Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of	)	
Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services	)	ET Docket No. 98-95 RM-9096

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PANAMSAT CORPORATION
PETITION FOR RECONSIDERATION OR CLARIFICATION

PanAmSat Corporation ("PanAmSat"), by its attorneys, hereby petitions for reconsideration or clarification of the Report and Order (the "R&O") adopted in the above-captioned proceeding.

In the R&O, the Commission allocated, on a co-primary basis, 75 MHz of spectrum in the 5.850-5.925 GHz band for use by dedicated short range communications ("DSRC") systems operating in the intelligent transportation system ("ITS") radio service. As the Commission recognized in the R&O, the band currently is allocated, both internationally and in the U.S., on a primary basis for fixed satellite service ("FSS") uplinks. FSS uplinks also operate in spectrum that is adjacent to the 5.850-5.925 GHz band. As the operator of a global network of geostationary FSS space stations, PanAmSat is an interested party in this proceeding.

DISCUSSION

PanAmSat did not — and does not — oppose an allocation in the 5.85 GHz band for DSRC systems. In its comments on the proposed allocation, PanAmSat suggested that, as long as DSRC systems operate within the technical parameters proposed in the Notice of Proposed Rulemaking, they should not cause interference to FSS uplink operations. The rules that the Commission adopted in the R&O are consistent with that approach.

PanAmSat's concern is with coordination between FSS and DSRC systems. In the R&O, the Commission recognized that "[i]t may be necessary in some cases for DSRC systems to avoid an area near an incumbent earth station in order to avoid the

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high powered earth station transmissions."[1] Nevertheless, and although it pledged to consider the issue of coordination "in a later proceeding," the Commission stated that it did "not anticipate that prior coordination is necessary between DSRC and FSS operations."[2]

PanAmSat seeks reconsideration or clarification of this aspect of the R&O. The Commission appears to believe that the only coordination issue raised by a DSRC allocation in the FSS bands relates to whether interference could prevent DSRC systems from locating near incumbent FSS uplinks. In fact, however, absent a coordination procedure the widespread deployment of DSRC terminals could give rise to broad exclusion zones within which FSS operators could not deploy new earth stations. Among other things, such exclusion zones could prevent teleport operators from expanding their operations at sites in which they already have invested millions of dollars.

PanAmSat is not wedded to any particular method for coordinating DSRC and FSS stations. It is PanAmSat's understanding, however, that the DSRC industry is *at* an embryonic stage, and one possibility would be for DSRC systems to be developed taking into account the "noise floor" that is present from FSS uplink operations. FSS and DSRC stations then could be located without having to engage in site-by-site coordination.

In any event, PanAmSat is concerned that, based on the R&O, DSRC interests may be left with the mistaken impression that coordination is not an issue for FSS operators. PanAmSat requests, therefore, that the Commission clarify or reconsider the R&O, making clear that, although it is not now adopting coordination procedures, it

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1 R&O, ¶ 15.

2 Id.

intends to protect FSS earth station operations, and is committed to preserving FSS flexibility for making additions or modifications to those operations.

Respectfully submitted,

PANAMSAT CORPORATION

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